



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

COPY MAILED

OCT 14 2005

OFFICE OF PETITIONS

In re Patent No. 6,862,091 :
Alan Sellinger :
Issue Date: March 1, 2005 :
Application No. 09/749,006 : **DECISION ON**
Filed: December 27, 2000 : **PATENT TERM ADJUSTMENT**
Attorney Docket No. 03650.000125 :

This is a decision on the "REQUEST UNDER 37 C.F.R. 1.705(d) for RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed April 1, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from seven hundred thirty-seven (737) days to eight hundred twenty-nine (829) days.

The application for patent term adjustment is **DISMISSED**.

On March 1, 2005, the above-identified application matured into U.S. Patent No. 6,861,091. The instant request for reconsideration filed April 1, 2005 was timely filed within two months of the date the patent issued. See §1.705(d). The Patent issued with a Patent Term Adjustment of seven hundred thirty seven (737) days. Patentee states that he should not have been assessed applicant delay of ninety-two (92) days for the submission of drawings after the Notice of Allowance.

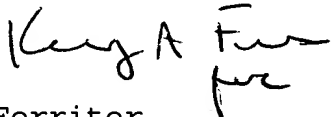
The adjustment of ninety-two (92) days for the submission of drawings after the Notice of Allowance has been determined to be correct. By Official Gazette Notice dated June 26, 2001, the Director has advised applicants and patentees that the filing of

certain papers after the mailing of a Notice of Allowance will be considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application and will result in reduction of a patent term adjustment pursuant to 37 C.F.R. §1.704(c)(10). See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance, 1247 OG 111 (June 26, 2001). Drawings are listed as an example of a paper that is considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application.

In view thereof, the correct determination of PTA at the time of issuance is **seven hundred thirty-seven (737) days** (829 (817+12) days of PTO delay, reduced by 92 days of applicant delay).

Receipt of the \$200 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy